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| INTERNATIONAL CORP (BLF) | | | | RIDER, JUSTIN W |
| c/o BIGGERS & OHANIAN, LLP | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|-------------------------------------|
| Office Action Summary | Application No. 10/733,941 | Applicant(s) BODIN ET AL. |
| | Examiner JUSTIN W. RIDER | Art Unit 2626 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on **16 July 2008**.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) **1,2 and 4-8** is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) **1,2 and 4-8** is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/0256/06)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

Response to Amendment

1. In response to the Office Action mailed 12 June 2008, applicant submitted a response filed 16 July 2008, in which the applicant amended claim 1 without adding new matter. Claims 3 and 9-24 have been cancelled.

Response to Arguments

2. Applicants' arguments filed 16 July 2008 have been fully considered but they are not persuasive. The majority of remarks are directed toward the lack of **BRYAN** teaching essential elements. It is pointed out that **BEGEL** was brought in combination with **BRYAN** to address certain deficiencies as being obvious over the prior art.

Referring to applicants' remarks concerning **BRYAN** teaching identification of a user, it is taught in the abstract as well as throughout the disclosure that a user, by means of registration, is given a unique identifier in the event that when a given user signs into the system appropriate grammars and commands are generated that are pertinent to that particular user.

Further, regarding the remarks concerning the user grammar elements, while they may be more than merely vocabulary words, applicants' grammar elements are stored words of phrases that are intended to cause the system to perform some act, as in both **BRYAN** and **BEGEL** and therefore are taught by the prior art.

While **BRYAN** teaches identification of a user and subsequent generation of key user-specific information, **BEGEL** is concerned with utilizing stored key phrases [grammar elements] to invoke actions in relation to a plurality of presentation documents.

Regarding the content type issue, a standard definition of document content type is accepted as the subject matter contained within a document. It is believed that a simple clarification in claim language would overcome such matters.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bryan et al. (US 2002/0146015 A1) referred to as **BRYAN** hereinafter in view of **Begel et al. 'Speed Nav: Document Navigation By Voice', University of California, Berkeley, October 9, 2002** referred to as **BEGEL** hereinafter.

Claim 1: BRYAN discloses a method for creating voice response grammars, comprising:

i. identifying a user for a presentation ([0036], '*the login module has a registration component...*' [0068], '*and topic ratio engine 104 assigns the user a unique identifier. This identifier is important because it identifies the user...*'), the user having a user grammar ([0034], '*The audio macros create a unique grammar set for that listener.*'), the user grammar including one or more user grammar elements (e.g. abstract, '*Each user selects data sources, keywords and time intervals...*'), each user grammar element including an identifier of a structural element (i.e. data sources);

ii. identifying presentation documents for the presentation, each presentation document having a content type (p. 5, paragraph [0062], *'or in addition to user-tailored templates...'*);

iii. selecting user grammar elements according to the content type of the identified presentation documents (p. 5, paragraph [0062], *'that allow users to define audio macros and data sources for these categories of information'* [emphasis supplied]); and

iv. storing a multiplicity of user grammar elements for the user in a voice response grammar on a voice response server (p. 3, paragraph [0034], *'Dynamic grammar loading...'* (see also p. 5, paragraph [0067]).) wherein storing a multiplicity of user grammar elements for the user in a voice response grammar on a voice response server includes storing the selected user grammar elements in the voice response grammar (p. 3, paragraph [0034], *'Dynamic grammar loading...'*) It is inherent that if user grammar elements are being loaded upon user identification, that those grammar elements are being stored within a server or suitable storage element (see also p. 4, paragraph [0061]).).

However **BRYAN** fails to but **BEGEL** does specifically disclose a key phrase (Page 8, Section 4.4 Final Design, *We supported nine commands in two categories: 1. Navigation: Page Down...*) for invoking a presentation action (Page 8, Section 4.4 Final Design), and a presentation action identifier representing a presentation action for specific presentation content types (Page 8, Section 4.4 Final Design).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **BEGEL** in the system of **BRYAN** because it assists in overcoming many key deficiencies in voice-based presentation navigation, such as poor

recognition performance, complexity of commands and unwieldy training times (Pages 1-2, 1. Introduction).

Claim 2: BRYAN discloses a method as per claim 1 above; wherein identifying a user for a presentation comprises creating a data structure, representing a presentation and listing in the data structure at least one user identification (p. 3, paragraph [0021]).

Claim 4: BRYAN discloses a method as per claim 1 above, wherein the user grammar comprises a multiplicity of user grammar elements, the method further comprising:

i. identifying presentation documents (files) for the presentation, the presentation documents including structured documents having structural element identifiers (p. 5, paragraph [0063], *'that searches Internet web pages using HTML tags and retrieves files...'* [emphasis supplied]); and

ii. selecting user grammar elements in dependence upon the structural element identifiers (p. 5, paragraph [0063], *'and retrieves files by sending HTTP GET requests...'*);

iii. wherein storing a multiplicity of user grammar elements for the user in a voice response grammar on a voice response server includes storing the selected user grammar elements in the voice response grammar (p. 5, paragraphs [0063]-[0064], *'data gathering engine 110 continuously stores data extracted from data source 112 in a cache/database...'*).

Claim 5: BRYAN discloses a method as per claim 1 above, wherein the user grammar comprises a multiplicity of user grammar elements, the method further comprising:

i. identifying presentation documents for the presentation, each presentation document having a presentation grammar including presentation action identifiers (p. 5-6, paragraphs

[0069]-[0071], a user grammar is associated with a voice portal that contains action identifiers (see p. 6, tables 1 & 2)); and

- ii. selecting user grammar elements in dependence upon the presentation action identifiers (p. 6, paragraphs [0071]-[0072]; tables 1 & 2);
- iii. wherein storing a multiplicity of user grammar elements for the user in a voice response grammar on a voice response server includes storing the selected user grammar elements in the voice response grammar (p. 3, paragraph [0034], '*Dynamic grammar loading...*' It is inherent that if user grammar elements are being loaded upon user identification, that those grammar elements are being stored within a server or suitable storage element (see also p. 4, paragraph [0061]); p. 6, paragraphs [0071]-[0072]).

Claim 6: BRYAN discloses a method as per claim 1 above, further comprising creating a presentation document, including:

- i. creating, in dependence upon an original document, a structured document comprising one or more structural elements (p. 5, paragraph [0064], '*may convert a scanned document from .pdf or .gif image into a text file or a wave audio file.*');
- ii. classifying a structural element of the structured document according to a presentation attribute (p. 5, paragraphs[0064]-[0065], wherein a file can be converted into text or speech, based on attributes dealing with output formatting for presentation); and
- iii. creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes an identifier for at least one structural element of the structured document (p. 5, paragraph [0064], '*into a format, such as text format, suitable for searching data source 112.*').

Claim 7: BRYAN discloses a method as per claim 6 above, wherein classifying a structural element comprises:

- i. identifying a presentation attribute for the structural element; identifying a classification identifier in dependence upon the presentation attribute; and inserting the classification identifier in association with the structural element in the structured document (p. 5, paragraphs [0064]-[0066], wherein the media format converter 116 converts user inputs (documents) into a format (speech-to-text, DTMF digits) allowing the system to identify key information based on documents (e.g. content, context, commands, etc.) which then allow the system to perform accordingly.).

Claim 8: BRYAN discloses a method as per claim 6 above, wherein creating a presentation grammar for the structured document comprises:

- i. identifying the content type of the original document (e.g. business, sports); selecting, in dependence upon the content type, a full presentation grammar from among a multiplicity of full presentation grammars (paragraph [0075]); and filtering the full presentation grammar into a presentation grammar for the structured document in dependence upon the structural elements of the structured document (p. 6, paragraphs [0070]-[0078] teaches wherein a document containing data is retrieved based on user commands (TABLE 1), upon which an output presentation is created (e.g. text file, audio output) and subsequently presented to a user based on desired content.).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN W. RIDER whose telephone number is (571)270-1068. The examiner can normally be reached on Monday - Friday 6:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

/J. W. R./
Examiner, Art Unit 2626
01 December 2008